

1
2 MELINDA HAAG (CABN 132612)
3 United States Attorney
4 J. DOUGLAS WILSON (DCBN 412811)
5 Chief, Criminal Division
6 CYNTHIA M. FREY (DCBN 475889)
7 Assistant United States Attorney
8 150 Almaden Boulevard, Suite 900
9 San Jose, California 95113
10 Telephone: (408) 535-5061
11 FAX: (408) 535-5066
12 Cynthia.Frey@usdoj.gov
13 Attorneys for United States of America

14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA
17
18 SAN JOSE DIVISION
19

20 UNITED STATES OF AMERICA) CASE NO. CR 11-0493 RMW
21 v.)
22) STIPULATION AND [] ORDER TO
23 VICTOR HUGO CABALLERO,) EXCLUDE TIME UNDER THE SPEEDY TRIAL
24) ACT (18 U.S.C. § 3161)
25 Defendant.)
26)
27)
28)

On May 27, 2014, Robert Carlin, Assistant Federal Public Defender, on behalf of the defendant and Cynthia Frey, Assistant United States Attorney, on behalf of the United States, appeared before this court on a status conference. The defendant requested a continuance to June 30, 2014. The Court continued the matter to June 30, 2014.

The parties agree that time should appropriately be excluded for effective preparation of counsel from May 27, 2014 through June 30, 2014 in order to provide defense counsel with adequate time to review discovery, conduct additional investigation, consult with the defendant, and prepare motions.

1 The defendant agrees to exclude for these periods of time any time limits applicable under 18
2 U.S.C. § 3161. The parties represent that granting the continuance, is necessary for effective
3 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The
4 parties also agree that the ends of justice served by granting such a continuance outweigh the best
5 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

6 In addition, the parties agree that time is appropriately excluded from May 27, 2014 through
7 June 30, 2014, as delay resulting from any pretrial motion, pursuant to 18 U.S.C. § 3161 (h)(1)(D).

8
9 SO STIPULATED:

10 MELINDA HAAG
11 United States Attorney

12 DATED: June 17, 2014

13 /S/
14 CYNTHIA M. FREY
Assistant United States Attorney

15 DATED: June 17, 2014

16 /S/
17 ROBERT CARLIN
Attorney for VICTOR HUGO CABALLERO

Based upon the representation of counsel and for good cause shown, the Court finds that failing to exclude the time between May 27, 2014 and June 30, 2014 would unreasonably deny the defendant and counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between May 27, 2014 and June 30, 2014 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. The Court further finds that time is appropriately excluded between May 27, 2014 and June 30, 2014 as delay resulting from any pretrial motion. 18 U.S.C. § 3161 (h)(1)(D).

Therefore, IT IS HEREBY ORDERED that the time between May 27, 2014 and June 30, 2014 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C §§ 3161(h)((1)(D), 3161(h)(7)(A), and 3161(h)(7)(B)(iv).

DATED: 1 06 14

HONORABLE RONALD M. WHYTE
United States District Court Judge